

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Kenneth Powe,**

**Plaintiff,**

**v.**

**Warden, Noble Correctional  
Institution, *et al.*,**

**Defendants.**

**Case No. 2:20-cv-5491**

**Judge Michael H. Watson**

**Magistrate Judge Jolson**

**ORDER**

Kenneth Powe (“Plaintiff”) sues the Warden of Noble Correctional Institution (“Warden”), where Plaintiff is an inmate, and Correctional Officer Miller (“Miller”), an employee of that institution, under 42 U.S.C. § 1983 for deliberate indifference to serious medical needs. Compl., ECF No. 3. Plaintiff pursues this prisoner civil rights case without the assistance of counsel. Defendants have moved to dismiss the Complaint. Mot. Dismiss, ECF No. 7.

Magistrate Judge Jolson, to whom this case was referred, issued a Report and Recommendation (“R&R”), which recommended that the Court grant in part and deny in part Defendants’ motion. R&R, ECF No. 10. Specifically, the R&R recommended the Court conclude that Plaintiff’s Complaint stated a claim of deliberate indifference to serious medical need as to Miller but not Warden. *Id.* at 6–7.

The R&R notified the parties of their right to object to the same and of the consequences of failing to do so. *Id.* at 8–9. Specifically, the R&R warned the parties that a failure to timely object would amount to waiver of the right to *de novo* review by the Undersigned as well as a waiver of the right to appeal the Undersigned’s decision adopting the R&R. *Id.*

The time for filing objections has passed, and none were filed. Accordingly, the Court **ADOPTS** the R&R without further review. Plaintiff’s deliberate indifference claim against Warden in his personal capacity is **DISMISSED WITHOUT PREJUDICE**. The Clerk shall terminate ECF Nos. 7 & 10 as pending motions.

**IT IS SO ORDERED.**

*/s/ Michael H. Watson*  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**